ness the Maharaja, and, if so, to state with what remarks the Diwan submitted them, and whether His Highness has been pleased to consider this Draft Constitution and pass orders, and, if so, whether the orders of His Highness be printed and placed on the table?

Mr. A. K. Vengu Ayyar.—Vide answer to question No. 447.

President.—That also relates to the same matter.

Mr. K. T. Mathew.—As the President has admitted my question, will the Government be pleased to place the proper answer on the Council table before this meeting disperses?

President.—Does this question arise now? This is question time.

Mr. K. T. Mathew.—This question has not been answered properly. You have admitted my question. I want an answer. And what is the answer I have got? I have not got any answer. Sir, I ask you to advise the Government to give a proper answer to my question. As my question has been allowed, I demand an answer.

President.—You cannot ask such a question.

Mr. K. T. Mathew.—So you rule it out of order?

President.—Such a question does not arise at question time. You have put a question, and an answer has been given. It may or may not be a proper answer.

Mr. A. B. Salem.—You have admitted, Sir, that it is not a proper answer. So I appeal to you to get a proper answer from the Government.

President.—What am I to do?

Mr. A. B. Salem.—You should just advise the Government to place it on the table.

President.—I am not disposed to do that now.

449. **Mr. K. T. Mathew.**—Will the Government be pleased to state:—

(a) whether the Diwan has submitted the Draft Constitution to His Highness the Maharaja; and, if so,

(b) with what remarks and when it was submitted;

(c) whether that will be placed on the table, together with all the other correspondence which the Government have had about it will be placed on the table?

Mr. A. K. Vengu Ayyar.—Vide answer to question No. 447.

The assault on one Kesava Panikkar by Pulayas.

450. **Mr. M. K. Raman.**—Will the Government be pleased to furnish the following information :—

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(1) has it been brought to the notice of the Diwan of Cochin during last year (1101 M. E.) by any communication from the Huzur Office or from complaints made by one C. Kesava Panikkar, a typist in the Huzur Office, that the said Kesava Panikkar was belaboured by four Pulaya young men on account of pollution quarrel, while the former was returning from his wife's house to his own residence ;

(2) was the Diwan aware that the said C. Kesava Panikkar had filed at the time a private complaint in the Second Class Magistrate's Court, Ernakulam, regarding the same matter ;

(3) did the Diwan issue to the Police authorities any written or verbal orders in connection with the said Kesava Panikkar's affair with the above mentioned Pulaya youths ;

(4) if so, to whom was the order given ; and what was the order ;

(5) what were the special reasons for the Chief Executive Officer of the State to interfere with the private quarrel of a subordinate in which pollution between different castes was the motive for the fight ;

(6) are there other instances of the Diwan having interfered in any private fights of his subordinates, outside the office, ever since the present Diwan assumed office or during the regime of any of his predecessors ;

(7) has the Diwan been informed that the above mentioned Pulaya youths were arrested by the Police and kept in the Jail;

(8) how long were they kept as prisoners in the Ernakulam Sub-jail ;

(9) has any information reached the Diwan that these Pulaya youths were tortured by the Police ;

(10) if so, what action did the Diwan take in the matter ;

(11) what was the punishment finally awarded to these four Pulaya youths by the Second Class Magistrate of Ernakulam in connection with this Kesava Panikkar's case, C. C. 112 of 1101 ;

(12) what was the caste of the present Second Class Magistrate of Ernakulam ?

Mr. A. K. Vengu Ayyar.—(1) A petition was submitted by C. Kesava Panikkar to the Diwan; but there was no mention in it that the incident was the outcome of a pollution quarrel.

(2) Yes.

(3) & (4). A copy of the petition was communicated to the Police Commissioner, District Magistrate and the A. Division Inspector for action and report.

(5) There was no interference in a private quarrel. A petition was received, and it was sent to the officers concerned

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for necessary action and report. This was all that was done. It did not appear that pollution between different castes was the motive.

(6) The question does not arise in view of the answer to (5).

(7) Yes.

(8) From 1—5—1101 to 8—6—1101.

(9) & (10). No.

(11) The last accused was sentenced for six months' R. I. and the remaining three for 4 months' R. I. each.

(12) Nayar.

Mr. M. K. Raman.—Sub-division (1). "But there was no mention in it that the incident was the outcome of a pollution quarrel." What was the motive alleged in the petition for the assault?

Mr. A. K. Vengu Ayyar.—No special motive was alleged in the petition.

Mr. M. K. Raman.—Has the Diwan come to know subsequently that the motive of the assault was the pollution quarrel?

Mr. A. K. Vengu Ayyar.—There was some report about it to the Government that one Kesava Panikkar and another friend of his were belaboured. There was a general allegation and not a definite one.

Mr. M. K. Raman.—Did the Diwan enquire what motive was alleged by the petitioner in his complaint before the Magistrate?

Mr. A. K. Vengu Ayyar.—It was not considered necessary to make enquiries about that.

Mr. M. K. Raman.—Sub-divisions (3) and (4). Were all these communications sent simultaneously?

Mr. A. K. Vengu Ayyar.—Yes, copies of the petition were communicated to the Commissioner of Police, the District Magistrate and the A. Division Inspector to take the necessary action on the merits of the petition.

Mr. M. K. Raman.—Were the communications sent simultaneously?

Mr. A. K. Vengu Ayyar.—Yes, they were all sent simultaneously. That is the usual procedure.

Mr. M. K. Raman.—Is it not the usual practice when the Diwan receives a petition to send it to the Head of the Department concerned?

Mr. A. K. Vengu Ayyar.—It was stated in the petition, and it was also strongly rumoured that his life itself was in danger.

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President.—Who is the Head of the Department?

Mr. M. K. Raman.—The Police Commissioner and the District Magistrate.

President.—They are all Heads of Departments, no doubt. But sometimes information has to be given direct for taking immediate action. In this particular case it was sent to the A. Division Inspector so that it may reach him at once. Otherwise it has to go to the Commissioner's Office, and the Commissioner in his turn has to send it to the Division Inspector, and so on. In order that information may reach him at once we sent it to him direct.

Mr. M. K. Raman.—Is there any other instance where the Diwan has sent a communication direct to the A. Division Inspector?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I remember an occasion when it was forwarded to the A. Division Inspector direct. When there were heavy floods in 1099, urgent orders were issued to the A. Division Inspector of Police to render help to the poor people.

Mr. M. K. Raman.—Did the Diwan consider that this was such an urgent case as that of the heavy floods?

Mr. A. K. Vengu Ayyar.—From what was stated in the petition it will appear that there was some urgency. It was also strongly rumoured that another attempt would be made in the near future to render him unfit for doing any work by breaking his hands and legs, or to put an end to his life. He also represented the matter personally to the Diwan.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It was a matter of life and death.

President.—Is there any injustice done?

Mr. M. K. Raman.—It was because of the interference of the Chief Executive Officer of the State that those poor fellows were convicted for six months' rigorous imprisonment. The whole statement would show that, for the whole of 1101, there were only fines of Rs. 5, Rs. 10, Rs. 15, Rs. 20 and up to Rs. 50. This is the only instance where, for offences under sections 303 and 304, they were sentenced to 6 months' rigorous imprisonment, and 4 months' rigorous imprisonment.

President.—If the sentence was in any way heavy, they could have preferred an appeal. You suggest that, because the Diwan sent a communication like that to the subordinate officers, sentences were passed like that? You cast a reflection both on the Head of the Executive as well as on the subordinate officers. To think that, because the Diwan has sent such orders, subordinate officers, without caring for the evidence or

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considering the circumstances of the case, passed such a sentence is rather not proper. You must have a more sympathetic view of the Government, and have a strong impression that the Government will approach such matters in the proper way.

Mr. M. K. Raman.—I am having a very reasonable view of things. When a petition is put in by an ordinary man that he is going to be belaboured or put an end to—there are hundreds of cases like that—so prompt an action is not taken, and so immediately the men are not arrested.

President.—It was that Kesava Panikkar, the Head Typist?

Mr. A. K. Vengu Ayyar.—Yes, Sir.

President.—He was there. He had the opportunity of putting the paper before the Secretary to the Diwan who sent it to me.

Mr. M. K. Raman.—That is exactly my point.

Mr. A. K. Vengu Ayyar.—Even in other cases we do not delay action in such matters.

President.—The proper thing for you, if there has been any miscarriage of justice in the matter of conviction or sentence, is to go to the appellate court.

Mr. M. K. Raman.—They are extremely poor, and they were unable to do that. There is another fact also to be noted in this connection. In the petition put in before the Diwan, he scrupulously omitted the motive for the occurrence. In the complaint before the Magistrate he says, on the previous day there was an altercation because of the pollution quarrel. When it comes before the Diwan, he avoids that.

The number of cases charged under section 303 or 304 of the Penal Code in the Second Class Magistrate's Court, Ernakulam.

451. Mr. M. K. Raman.—Will the Government be pleased to furnish a statement to the Council showing the following particulars.—

1. the number of cases filed in the second Class Magistrate's Court of Ernakulam for the offences of hurt, under section 303 or 304 of the Cochin Penal Code, from the beginning of the year 1101 up to the end of the year ;

2. the number of such cases acquitted or discharged and the castes of the complainants and each of the accused in the above cases and the motive alleged for the assaults ;

3. the number of such cases that ended in conviction, the castes of the complainants and each of the accused and the motive for the occurrence and the respective punishments awarded in each case ;

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